HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5045 of 2004

Date: 10.07.2007

Between:

M/s Lakshmi Prasad Traders

….Petitioner

and

The Director of Marketing,
Government of A.P., and another

….Respondents

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WRIT PETITION No.5045 of 2004

O R D E R:

The petitioner challenges the action of the 1st respondent in amending Bye-law No.24 (1) of the Market Committee in the State vide his proceedings published in Andhra Pradesh Gazette dated 25.3.1998, as being illegal and opposed to law. A further direction is sought to declare that the amended bye-law is not enforceable since it is not followed by the resolution of the concerned Market Committee. A consequential relief of quashing the demand notice dated 31.7.2003 is also sought.

Heard the learned counsel for the petitioner, the learned Government Pleader for Agriculture and also learned Standing Counsel for the Market Committee.

The question involved in this writ petition is no longer ***res integra***. In W.P.No.21243 of 2001 and batch also; similar question was involved. This court allowed the same through a common judgment dated 4.9.2006 by setting aside the impugned amendment

as well as the consequential notices.

In that view of the matter, this writ petition is allowed following the judgment of this court in W.P.No.21243 of 2001 dated 4.9.2006. However, this order will not preclude the authorities from the collecting the market fee as and when the resolution is passed by the Market Committee, approving the amended byelaws. No costs.

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L.NARASIMHA REDDY, J

10th July, 2007.
cvm